

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CARL E. MOLANO, 07A3516,

Plaintiff,

-v-

10-CV-6481L

ORDER

BRIAN FISCHER, Comm. Of Corr.
Serv., et al.,

Defendants.

Plaintiff Carl E. Molano filed the complaint in this action on August 25, 2010. On August 26, 2010, the Court granted plaintiff's request to proceed *in forma pauperis* and directed the Clerk of Court to cause the United States Marshal to serve the summons and complaint. The Clerk of Court mailed the plaintiff U.S. Marshal Process Receipt and Return forms and a notice of plaintiff's obligations under Fed.R.Civ.P. 4(m) on August 27, 2010 at the Lakeview Shock Incarceration Correctional Facility. At the present time, plaintiff is still incarcerated at the Lakeview Shock Incarceration Correctional Facility and has failed to return the U.S. Marshal Process Receipt and Return forms or otherwise effect service.

Accordingly, pursuant to Fed.R.Civ.P. 4(m) notice is hereby given that unless the plaintiff shows good cause, in writing, not later than **February 25, 2011** for the failure to effect service of

process within the time limits specified by the Federal Rules of Civil Procedure, **this action will be dismissed without prejudice.**

SO ORDERED.

S/ MICHAEL A. TELESKA
MICHAEL A. TELESKA
United States District Judge

Dated: January 13, 2010
Rochester, New York